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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,879	12/31/2001	Don J. Hodapp JR.	00-101-NSC	8349

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EXAMINER	
DALEY, CHRISTOPHER ANTHONY	
ART UNIT	**PAPER NUMBER**
2111	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,879	HODAPP, DON J.	
	Examiner	Art Unit	
	Christopher A. Daley	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's arguments, filed May 16, 2005, with respect to the rejection(s)of claim(s) 1-26 under McCarty (US6356944) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rauch (US6243510).

2. Claims 1 – 26 are examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Rauch (US6243510).

4. As to claims 1 and 14, Rauch discloses a method and apparatus in a data processing system (Figure 1) for transferring data from a plurality of host data links to at least one local data link (440), the method and apparatus comprising the steps of:

Initializing a data bridge (Rauch teaches of a data bridge (matrix switch 22 of figure 1), where the bridge is functionally connected on a first end to the plurality of host data links and on a second end to the at least one local data link; (Rauch teaches of a data bridge, matrix switch 22 of figure 1, where the bridge is functionally connected to a

plurality of host data links, such as B and C of figure 1, and a second end connected to a local data link, A. Rauch teaches of initializing said bridge, COL. 4, lines 42 – 51, and figure 3).

determining if a first data link within the plurality of host data links and a second data link within the at least one local data link initiate a login parameter; (Rauch teaches of said determination in figure 3. In this flow diagram, Rauch teaches of selecting a first data link (110 of figure 3), and a second data link (120 of figure 3), which indicates a system that has been logon to.

And automatically transfer the data from a source data link within the first plurality of data links to a target data link within the at least one local data link based on the login parameter, wherein the data transferred from the source data link is stored in a memory buffer device, and wherein the memory buffer device is connected to the data bridge. (Rauch teaches that when the data path between the source data link and the local data link is established, as defined in figure 3, and said data links are logged into the system network, data flow is established between links. Figure 4 illustrate several embodiments of network with data link 41, a server with memory storage coupled to bridge 10a, that is connected via bridge 10a, to storage device 44 thru connection 14, COL. 7, lines 36 - 42).

5. As to claims 2 and 15, Rauch discloses a method and apparatus, where the data transferred from the source link is stored in a memory buffer device is connected to the data bridge via a memory buffer controller and the memory buffer device and the

memory buffer controller are both connected to the source data link through an input port of the data bridge, and are also both connected between the source data link and the target data link (Rauch teaches in figure 4 of source data link 41, a server that comprises a memory buffer. The memory controller is the controller (30) associated with bridge 10a, as illustrated in figure 1. Both devices are connected together by bridge 10a. The target data link is tape back up 44 of figure 4.

6. As to claims 3 and 16, Rauch discloses a method and apparatus, where the data bridge is a data link concentrator (Rauch teaches that said data bridge is a data link concentrator, where connection are made between various data links, COL. 5, lines 30 – 36).

7. As to claims 4, and 17, Rauch discloses a method and apparatus, where initializing the data bridge includes resetting the data bridge (Rauch teaches an embodiment where the data bridge 22 of figure 1 is controlled by controller 30, that has the capability to reset the data bridge, COL. 5, lines 58 - 60).

8. As to claims 5 and 18, Rauch discloses a method and apparatus, where the data bridge is reset, the plurality of host data links functionally connected to the data bridge and the at least one local data link functionally connected to the data bridge are forced offline by the data bridge (Rauch teaches that said controller 30 can remove all electrical connections thus placing data link devices off line, COL. 5, lines 38 - 41).

9. As to claims 6 and 19, Rauch disclose a method or apparatus to monitoring a signal from the first data link within a plurality of host data links and a signal from the second data link functionally connected to a data bridge. (Rauch teaches of monitoring the signals from both data links to ensure an electrical connection is established, COL. 5, lines 18);

determining whether an initiating sequence signal is received by the first data link and the second data link ;

(Rauch teaches the pathway set in figure 3. Steps 110 through 130 is a determination phase of this set up)

and establish a data bridge active state if the initiating sequence signal is received by the first data link and the second data link (Rauch teaches of said active state in step 160 of figure 3).

10. As to claims 7 and 20, Rauch discloses a method or apparatus that terminates data transfer between fibre channel sources if the bridge is in an off line state.(Rauch teaches that data transfer is terminated when bridge is in an off line state. Under the control of controller 30 of figure 1, the data bridge communication paths are terminated, COL. 5, lines 26 - 30).

11. As to claims 8 and 21, Rauch discloses a method or apparatus that terminates data transfer if one of the links is inactive. (Rauch teaches that transfer is terminated if no active device is coupled to the port, step 230 of figure 11);

and terminating data transfer from the source data link to the target data link if the plurality of host data links or the at least one local data link does not remain in an active state. (Rauch teaches that transfer is terminated if no active device is coupled to the port, step 230 of figure 11).

12. As to claims 9 and 22, Rauch discloses a method or apparatus that resets the data bridge should the involved data links be in an off-line state. (Rauch teaches that controller 30 may be configured to control the bridge based on any criteria which would include said reset, COL. 5, lines 58 - 60).

13. As to claims 10 and 23, Rauch disclose a method and apparatus, where the login parameter includes a fibre channel fabric login parameter and a fibre channel port login parameter (Rauch teaches in figure 5 of a fibre channel system. It would have been inherent for the controller of Data Bridge 10 to comprise a fibre channel login parameter to initiate said system).

14. As to claims 11 and 24, Rauch discloses a method and apparatus, where the fibre channel login parameter includes buffer credits (It would have been inherent for the controller of data bridge 10 of figure 5 to assign buffer credits to each of the fibre channel components 66 determine component priority during arbitration).

15. As to claims 12 and 25, Rauch discloses a method and apparatus, where the fibre channel port parameter includes a port identification (It would have been inherent for the controller node keeps track of the Fibre channel node/fabric specific identity, for management purposes).

16. As to claims 13 and 26, Rauch discloses a method and apparatus that automatically transfers the data from a source data link within the plurality of host data links to a buffer device if the data bridge is in a lockout mode (Rauch teaches that controller 30 may be configured to control the bridge based on any criteria which would include said lockout, COL. 5, lines 58 - 60).

Response to Arguments

17. Applicant's arguments, filed May 16, 2005, with respect to the rejection(s)of claim(s) 1-26 under McCarty (US6356944) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rauch (US6243510). This office action is non-final.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Daley whose telephone number is 571 272 3625. The examiner can normally be reached on 9 am. - 4p m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571 272 3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAD
7/29/2005

TIM VO
PRIMARY EXAMINER